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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

13 R.E.M. International, a California ) No. C 05-05081-WHA  
14 Partnership, appearing through its )  
Managing Partner, Peter V.G. Jefferson, )  
15 Plaintiff, )  
16 v. )  
17 UNITED STATES DEPARTMENT OF )  
STATE; UNITED STATES )  
18 DEPARTMENT OF HOMELAND )  
SECURITY; UNITED STATES )  
19 CITIZENSHIP AND IMMIGRATION )  
SERVICES, )  
20 Defendants. )  
21

**JOINT STATUS REPORT**

Date: December 7, 2006  
Time: 11:00 a.m.

22 The parties to the above-entitled action hereby submit this joint status report.

23 (1) The plaintiff filed this action on December 8, 2005, seeking damages under the Federal  
24 Tort Claims Act (FTCA), alleging the Department of State wrongfully recommended revocation of  
25 a visa petition and that the United States Citizenship and Immigration Services wrongfully  
26 revoked its previously-granted visa petition.

27 (2) At the case management conference held on July 20, 2006, this Court stayed the action in  
28 light of the fact that an appeal of a related case – *R.E.M. Int'l v. Neufeld*, C-04-1245-WHA (N.D.

JOINT STATUS REPORT

C 05-05081-WHA

1 Cal) (granting the government's motion for summary judgment in plaintiff's action under the APA  
2 challenging United States Citizenship and Immigration Services' decision to revoke approval of  
3 plaintiff's visa petition) – was pending at the United States Court of Appeals for the Ninth Circuit.  
4 See *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498. The Court scheduled a status  
5 conference for December 7, 2006.

6 (3) The Ninth Circuit heard oral argument in *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-  
7 17498, on November 14, 2006.

8 (4) In light of the fact that the Ninth Circuit has not yet issued its opinion in *R.E.M. Int'l v.*  
9 *Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498, the parties respectfully ask this Court to continue the date  
10 of the status conference, which is currently scheduled for December 7, 2006.

11 (5) The parties will promptly advise this Court of the issuance of the Ninth Circuit's opinion in  
12 *R.E.M. Int'l v. Neufeld*, 9<sup>th</sup> Cir. Appeal No. 04-17498, and will promptly request a status  
13 conference upon the issuance of the Ninth Circuit's opinion, subject to approval of the Court.

14 (6) A further case management conference is set for June 7, 2007 at 11:00 AM. Parties shall file  
15 a joint case management statement by May 31, 2007.

16 Date: December 4, 2006 Respectfully submitted,

17 KEVIN V. RYAN  
18 United States Attorney

19 /s/  
20 EDWARD A. OLSEN  
21 Assistant United States Attorney  
Attorneys for Defendants

22  
23 Date: December 4, 2006 /s/  
24 CARLETON L. BRIGGS  
25 Attorney for Plaintiff

26 Date: December 7, 2006

